

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**Case No. 1:21-cr-00861-WJ**

**DENNIS CHARLES ARAGON,**  
**a/k/a Oso,**

**Defendant.**

**ORDER DENYING MOTION FOR FURLOUGH**

**THIS MATTER** is before the Court on defendant Dennis Charles Aragon's Amended Opposed Motion for Emergency One-Day Furlough to Attend Funeral, filed on December 7, 2021. Doc. 31. Mr. Aragon is seeking to be released from custody for ten hours to attend his sister's funeral. *See id.* The United States opposes the motion, as does Pretrial Services. *Id.* at 2. The Court denies Mr. Aragon's motion for the following reasons.

Mr. Aragon is in custody on a charge of possession with intent to distribute a mixture and substance containing methamphetamine. Docs. 1, 18. At the detention hearing on June 15, 2021, the Court detained Mr. Aragon not only because he is charged with a crime that carries a presumption of detention, but also because he is both a flight risk and a danger to the community. Doc. 16 at 2. The Court based these findings on its conclusion that the weight of the evidence against Mr. Aragon is strong, in addition to his prior criminal history, his history of violence or use of weapons, his history of alcohol or substance abuse, his prior attempts to evade law enforcement, and his prior violations of probation, parole, or supervised release. *See id.* The Court further explained:

Defendant was convicted of escape from jail in 1997. Before that, he was convicted of obstructing/eluding/or evading a police officer three times. In early 2008, he absconded from parole. Later in 2008, he was charged with resisting/evading/or obstructing a police officer. In April 2012, he was charged with aggravated assault on a peace officer and resisting/evading/or obstructing an officer, but the case was dismissed probably because the defendant was charged (and convicted) federally of being a felon in possession of a firearm and ammunition. Shortly after he was arrested on the 2012 charges, he also was charged with “escape/fugitive,” although the disposition of that charge is unknown. The Court notes, however, that the defendant was shot in conjunction with the April 2012 charges and may have been hospitalized while in police custody. Defendant again was charged with aggravated battery on a peace officer in 2017, but that charge was dismissed. Defendant has demonstrated a pattern of attempting to evade, elude, and obstruct police officers, which shows that he is both a flight risk and a danger to the community.

*Id.* at 3. According to the pretrial services report, Mr. Aragon was convicted of being a felon in possession of a firearm in this Court in 2014. Doc. 12 at 8. That conviction arose out of an incident during which police officers attempted to disarm Mr. Aragon using verbal commands, but instead of following the commands, Mr. Aragon reached for the firearm and the police shot him. *See id.* Further, according to the criminal complaint, Mr. Aragon admitted that he is a member of the violent SNM prison gang, and he was observed to have an SNM tattoo near his left ribcage on March 3, 2021. Doc. 1 at 3. Although the Court sympathizes with Mr. Aragon’s desire to be at his sister’s funeral, nothing in his motion alleviates the Court’s concern that Mr. Aragon poses a grave danger to the community and is a substantial flight risk, even if released for just ten hours. *See* Doc. 31.

**IT IS THEREFORE ORDERED** that defendant Dennis Charles Aragon’s Amended Opposed Motion for Emergency One-Day Furlough to Attend Funeral (Doc. 31) is DENIED.

DATED this 7th day of December 2021

  
 Laura Fashing  
 United States Magistrate Judge